

ATTACHMENT 2Page 1 of 1

**From:** <rainmac@sonic.net>  
**To:** <tryan@ci.sunnyvale.ca.us>  
**Date:** 9/20/2004 10:34:55 PM  
**Subject:** Clarification on City's planning guidelines

Dear Ms. Ryan,

In a report to City Manager Chan dated August 5, 2004, I took the Sunnyvale Planning Department to task for what I perceived were various failures in its procedures and interpretations regarding the Nicoli/Sargent condominium development. However, this whole planning business is new to me, and there are some statements I've made that are perhaps overly rash and based on my own prejudices rather than on city policy.

I would appreciate if you would request one of your staff to describe to me or point me to the Sunnyvale-published policies and guidelines that elucidate the concept of "future transition to multiple family density" that was used several times in the May 15, 2001 final report to overcome the concerns raised by the planning staff and justify granting a permit to the developer.

Also, in your response to my above-mentioned report, you described the discussion taking place regarding finalizing landscape mitigation to provide privacy to the adjoining neighbors. In that response you intimated that the scope of the landscape mitigation might be limited by the area available for supporting the trees' growth and by the cost to the developer of the large landscaping requirement.

Quoting from Sunnyvale's Downtown Specific Plan: "D.1. Buffer single family neighborhoods from higher density residential or commercial uses through the use of lower building heights and privacy measures such as increased landscaping and reduction in windows along elevations that directly face single family properties." Please also ask your staff to show me or cite where the City's policies and guidelines say that these considerations are to be metered or compromised if the cost of implementation is too great or is difficult to implement due to inadequate design.

Thank you for your consideration.

Mitchell Diamond  
441 E Washington Avenue

**CC:** <KMcGraw@ci.sunnyvale.ca.us>, <citymgr@ci.sunnyvale.ca.us>

## **ATTACHMENT E**

**CITY COUNCIL MINUTES OF 05/15/01,  
RELATING TO THE NICOLI/SARGENT  
PROJECT AT 414 E. EVELYN AVENUE**

City of Sunnyvale  
City Council minutes of May 15, 2001

Public Hearing

2. ORDINANCE  
RTC 01-167

**Applications for Related Proposals for a 27,000 square foot combined site project located at 414 E. Evelyn Avenue in a DSP-5 (Downtown Specific Plan Sub District 5) Zoning District John Nicoli/Patrick Sargent (Applicant) Joseph and Mary Conti (Trustee/Owner) – Continued from April 17, 2001**

- a) Amend the Sunnyvale Downtown Specific Plan by expanding its boundary to include that part of the project site which is currently outside its boundary
- b) Rezone that portion of the project site from C-4 (Service Commercial) to DSP-5 (Downtown Specific Plan Sub-District)
- c) Special Development Permit to allow development of 18 condominium units
- d) Tentative Map for an 18 unit condominium project

Councilmember Roberts announced he would be abstaining from this item due to a conflict of interest.

Project Planner Bell presented the staff report.

Mayor Walker opened the public hearing at 7:59 p.m.

Dan Howard, Fisher Friedman Associates, Architecture Planning, commented on issues noted in the staff report page 5 which states: In response to action by the Planning Commission, the proposed project has been modified to incorporate the following changes: side and rear yard setbacks have been increased to 20 feet; distance between buildings have been increased; unit sizes have been reduced; window sizes have been reduced; landscaping and useable open space have been increased (by 2,000 square feet). He further stated that they have responded to the neighbor's and Planning Department's comments and that the project is correct for the location and urged Council approval.

Virginia Gauges, adjacent property owner, stated she routed a petition to neighbors and forwarded it to Council. She stated concerns with the noticing of the Planning Commission meeting, parking and traffic problems, obstruction of view and loss of privacy which may result if the project proceeds. She recommended reducing the number of units and limiting the development to two stories in height.

Steve Burk, neighborhood property owner, stated he did not receive a notice of the project. He has been a neighborhood resident for ten years and has concerns with the building height, parking, loss of privacy and would like to preserve the integrity of the old neighborhood.

Lisa Sato stated she loves the neighborhood of single family homes and feels the development will have a negative impact on the neighborhood.

Joseph Dipinor stated that he spoke at the Planning Commission hearing and felt his concerns were not taken seriously. He is concerned with the safety of the children in the neighborhood, increase in noise, traffic and lack of parking.

Mitchell Diamond stated he spoke at the Planning Commission hearing. He is concerned with traffic, visibility of vehicles exiting the development westbound, building height, and loss of privacy. He further stated that the project is not in continuity with the neighborhood, and feels his property value will decrease if the project is approved.

Laura Fulda stated she is a Sunnyvale resident and in favor of the project. She stated the developer builds nice projects with attractive landscaping, the project fits the building style of the downtown, and there is a need for more affordable housing in the city. She recommended planting larger trees around the project.

Jim Aguirre, property owner on Washington Avenue, stated he is in favor of the project, it looks great and will be an improvement to the neighborhood.

David Rivas, Lincoln Avenue resident, stated he was born and raised in Sunnyvale, is in favor of the project and the property is zoned for this type of development and homeownership opportunities are needed in the city. He recommended permit parking for the residents on Washington and feels that the development will increase property values and urged Council approval.

Noel Dietz, Washington Avenue resident, stated that she is not opposed to the development but would like it modified to fit the character of the existing neighborhood.

Tom Sweeney, Bayview property owner, stated the current use of the site is less than attractive, the development is to scale and quality of the downtown area and will enhance the neighborhood.

Dan Howard, Fisher Friedman Associates, project architect, stated that the planned building is not monolithic, density is only 62%, no heritage trees are located on site, will plant 16 gallon trees, landscape architecture has been modified, and agree to work with the City arborist regarding trees, and that the Applicant is willing to develop the vacant City owned parcel to relieve parking concerns.

Mayor Walker closed the public hearing at 9:14 p.m.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE  
AMENDING THE PRECISE ZONING PLAN, ZONING DISTRICTS MAP, TO REZONE  
CERTAIN PROPERTY LOCATED AT 414 E. EVELYN AVENUE FROM C-4 (SERVICE  
COMMERCIAL) DISTRICT TO DSP-5 (DOWNTOWN SPECIFIC PLAN SUBDISTRICT  
5) DISTRICT

Councilmember Vorreiter moved, and Councilmember Valerio seconded, introduction and first reading of the ordinance, to approve determination of surplus property and conveyance to adjacent property owner, adopt the Mitigated Negative Declaration, approve the Amendment to the Downtown Specific Plan and Rezone, approve the Special Development Permit and Tentative Map in accordance with conditions recommended by the Planning Commission, with the condition that the Applicant work with the City arborist to select appropriate size and species of landscaping to protect the privacy of the adjacent homeowners.

Mayor Walker offered a friendly amendment that the landscaping and irrigation plans of the exterior area of the development are reviewed by the neighbors.

Councilmember Vorreiter accepted the friendly amendment.

Councilmember Miller offered a friendly amendment that the CC&R's require the three bedroom units to have two parking spaces and one bedroom units have one parking space.

Councilmember Vorreiter did not accept the friendly amendment.

Councilmember Miller requested a substitute motion that the CC&R's require the three bedroom units to have two parking spaces and one bedroom units have one parking space. The substitute motion died for a lack of a second.

The main motion as amended carried by the following roll call vote:

Ayes:	Valerio, Vorreiter, Fowler, Walker, Risch
Noes:	Miller
Abstain:	Roberts
Absent:	None

## **ATTACHMENT F**

**SURVEY OF WASHINGTON AVENUE  
RESIDENTS, SUBMITTED BY  
MR. DIAMOND**

**Washington Ave Residents Survey**

regarding the Nicoli/Sargent condo development

survey #	landscape height (ft)	fence height (ft)	financial benefit	primary address
1	The taller, the better	The taller, the better	n	
2	40	30	n	
3	40	30	n	
4	40	15	n	
5	25	15	n	928 W Iowa
6	45	35	n	
7	40	30	n	
8	40	12	n	
9	40	comment	500/month	480 Lincoln
10	40	30	n	
Ave	38.9	24.6		
Min	25	12		
Max	45	35		

Washington Avenue Residents Survey

Name Judy Reed

Washington Ave. address 428 E. Washington Ave

If this is not your primary residence, please enter it below.

Address \_\_\_\_\_

City \_\_\_\_\_

Regarding the Nicoli/Sargent condominium project under construction on the 400 block of East Evelyn:

1. What initial height would you like the screening landscaping between the condominiums and the Washington Ave. properties to be? (circle one)

15 ft 20 ft 25 ft 30 ft 35 ft 40 ft other \_\_\_\_\_ No preference

*The taller, the better*

2. What height would you like the masonry fence between the condominiums and the Washington Ave. properties to be? (circle one)

8 ft 12 ft 15 ft 20 ft 25 ft 30 ft other \_\_\_\_\_ No preference

*The taller, the better*

3. Have you benefited financially or gained income due to the development or construction of the Nicoli/Sargent condominium project? (circle one) Yes No  
If yes, please explain

4. Do you favor or oppose making the 400 block of East Washington Ave. a permit parking block? (circle one)

Favor Oppose Not sure Depends on what happens No preference

Additional comments regarding the development, the developer and/or the City of Sunnyvale.

Signature Judy Reed

Date 9/23/01

Washington Avenue Residents SurveyName BOBBY TURNERWashington Ave. address 455 E. Washington Ave

If this is not your primary residence, please enter it below.

Address \_\_\_\_\_

City \_\_\_\_\_

Regarding the Nicoli/Sargent condominium project under construction on the 400 block of East Evelyn:

1. What initial height would you like the screening landscaping between the condominiums and the Washington Ave. properties to be? (circle one)

15 ft 20 ft 25 ft 30 ft 35 ft 40 ft other \_\_\_\_ No preference

2. What height would you like the masonry fence between the condominiums and the Washington Ave. properties to be? (circle one)

8 ft 12 ft 15 ft 20 ft 25 ft 30 ft other \_\_\_\_ No preference3. Have you benefited financially or gained income due to the development or construction of the Nicoli/Sargent condominium project? (circle one) Yes No  
If yes, please explain

4. Do you favor or oppose making the 400 block of East Washington Ave. a permit parking block? (circle one)

Favor Oppose Not sure Depends on what happens No preference

Additional comments regarding the development, the developer and/or the City of Sunnyvale.

Signature Bobby TurnerDate 9-2-04

## Washington Avenue Residents Survey

Name Ann + Harrison

Washington Ave. address 433 E. Washington

If this is not your primary residence, please enter it below.

Address \_\_\_\_\_

City \_\_\_\_\_

Regarding the Nicolli/Sargent condominium project under construction on the 400 block of East Evelyn:

1. What initial height would you like the screening landscaping between the condominiums and the Washington Ave. properties to be? (circle one)

15 ft 20 ft 25 ft 30 ft 35 ft 40 ft other \_\_\_\_\_ No preference

2. What height would you like the masonry fence between the condominiums and the Washington Ave. properties to be? (circle one)

8 ft 12 ft 15 ft 20 ft 25 ft 30 ft other \_\_\_\_\_ No preference

3. Have you benefited financially or gained income due to the development or construction of the Nicolli/Sargent condominium project? (circle one) Yes No  
If yes, please explain

4. Do you favor or oppose making the 400 block of East Washington Ave. a permit parking block? (circle one)

Favor Oppose Not sure Depends on what happens No preference

Additional comments regarding the development, the developer and/or the City of Sunnyvale.

Signature Ann + Harrison

Date 9/14/04

### Washington Avenue Residents Survey

Name Geraldine Medina

Washington Ave. address 421 E. Washington Ave

If this is not your primary residence, please enter it below.

Address \_\_\_\_\_

City \_\_\_\_\_

Regarding the Nicoli/Sargent condominium project under construction on the 400 block of East Evelyn:

1. What initial height would you like the screening landscaping between the condominiums and the Washington Ave. properties to be? (circle one)

15 ft 20 ft 25 ft 30 ft 35 ft 40 ft other \_\_\_\_\_ No preference

2. What height would you like the masonry fence between the condominiums and the Washington Ave. properties to be? (circle one)

8 ft 12 ft 15 ft 20 ft 25 ft 30 ft other \_\_\_\_\_ No preference

3. Have you benefited financially or gained income due to the development or construction of the Nicoli/Sargent condominium project? (circle one) Yes No  
If yes, please explain

4. Do you favor or oppose making the 400 block of East Washington Ave. a permit parking block? (circle one)

Favor Oppose Not sure Depends on what happens No preference

Additional comments regarding the development, the developer and/or the City of Sunnyvale.

*Since the day this has begun it has  
\$ will be an inconvenience to  
our families & homes*

Signature Geraldine Medina

Date 9/15/04

## Washington Avenue Residents Survey

Name Margaret Medina

Washington Ave. address ~~421~~ 421 E Wash St.

If this is not your primary residence, please enter it below.

Address 928 W. Iowa Ave

City Sunnyvale CA.

Regarding the Nicoli/Sargent condominium project under construction on the 400 block of East Evelyn:

1. What initial height would you like the screening landscaping between the condominiums and the Washington Ave. properties to be? (circle one)

15 ft 20 ft 25 ft 30 ft 35 ft 40 ft other \_\_\_ No preference

2. What height would you like the masonry fence between the condominiums and the Washington Ave. properties to be? (circle one)

8 ft 12 ft 15 ft 20 ft 25 ft 30 ft other \_\_\_ No preference

3. Have you benefited financially or gained income due to the development or construction of the Nicoli/Sargent condominium project? (circle one) Yes No

If yes, please explain

4. Do you favor or oppose making the 400 block of East Washington Ave. a permit parking block? (circle one)

Favor Oppose Not sure Depends on what happens No preference

Additional comments regarding the development, the developer and/or the City of Sunnyvale.

Signature Margaret Medina

Date Sept 14/04

## Washington Avenue Residents Survey

Name Tim Palmer

Washington Ave. address 450 E. WASHINGTON AVE

If this is not your primary residence, please enter it below.

Address N/A

City SUNNYVALE, CA.

Regarding the Nicolli/Sargent condominium project under construction on the 400 block of East Evelyn:

1. What initial height would you like the screening landscaping between the condominiums and the Washington Ave. properties to be? (circle one)

15 ft 20 ft 25 ft 30 ft 35 ft 40 ft other 45' No preference

2. What height would you like the masonry fence between the condominiums and the Washington Ave. properties to be? (circle one)

8 ft 12 ft 15 ft 20 ft 25 ft 30 ft other 35' No preference

3. Have you benefited financially or gained income due to the development or construction of the Nicolli/Sargent condominium project? (circle one) Yes No  
If yes, please explain

4. Do you favor or oppose making the 400 block of East Washington Ave. a permit parking block? (circle one)

Favor Oppose Not sure Depends on what happens No preference

Additional comments regarding the development, the developer and/or the City of Sunnyvale.

AFTER WATCHING THIS PROCESS FROM START TO PRESENT, IT SEEMS "VERY UNFORTUNATE" THAT BOTH THE DEVELOPER AND THE CITY OF SUNNYVALE CARE ONLY ABOUT THE ALLMIGHTY DOLLAR, "NOT" THE LIVES & PROPERTIES OF THE

Signature [Signature]

Date 9-11-04

SURROUNDING NEIGHBORHOODS, THEY TELL US THEY CARE..... BUT THEY LIE.

Washington Avenue Residents Survey

Name Lisa Asato

Washington Ave. address 440 E. Washington

If this is not your primary residence, please enter it below.

Address \_\_\_\_\_

City \_\_\_\_\_

Regarding the Nicoli/Sargent condominium project under construction on the 400 block of East Evelyn:

1. What initial height would you like the screening landscaping between the condominiums and the Washington Ave. properties to be? (circle one)

15 ft 20 ft 25 ft 30 ft 35 ft 40 ft other \_\_\_\_\_ No preference

2. What height would you like the masonry fence between the condominiums and the Washington Ave. properties to be? (circle one)

8 ft 12 ft 15 ft 20 ft 25 ft 30 ft other \_\_\_\_\_ No preference

3. Have you benefited financially or gained income due to the development or construction of the Nicoli/Sargent condominium project? (circle one) Yes No  
If yes, please explain

4. Do you favor or oppose making the 400 block of East Washington Ave. a permit parking block? (circle one)

Favor Oppose Not sure Depends on what happens No preference

Additional comments regarding the development, the developer and/or the City of Sunnyvale.

It's a shame that this development was allowed!

Signature Lisa Asato

Date 9/11/04

## Washington Avenue Residents Survey

Name NOEL DIETZ

Washington Ave. address 417 E. WASHINGTON

If this is not your primary residence, please enter it below.

Address \_\_\_\_\_

City \_\_\_\_\_

Regarding the Nicoli/Sargent condominium project under construction on the 400 block of East Evelyn:

1. What initial height would you like the screening landscaping between the condominiums and the Washington Ave. properties to be? (circle one)

15 ft 20 ft 25 ft 30 ft 35 ft 40 ft other \_\_\_\_\_ No preference

2. What height would you like the masonry fence between the condominiums and the Washington Ave. properties to be? (circle one)

8 ft 12 ft 15 ft 20 ft 25 ft 30 ft other \_\_\_\_\_ No preference

3. Have you benefited financially or gained income due to the development or construction of the Nicoli/Sargent condominium project? (circle one) Yes No  
If yes, please explain

4. Do you favor or oppose making the 400 block of East Washington Ave. a permit parking block? (circle one)

Favor Oppose Not sure Depends on what happens No preference

Additional comments regarding the development, the developer and/or the City of Sunnyvale.

Signature Noel Dietz

Date 9/11/2004

Washington Avenue Residents Survey

Name STEVE BURKE

Washington Ave. address 451 WASHINGGON

If this is not your primary residence, please enter it below.

Address 480 LINCOLN AVE

City SUNNYVALE

Regarding the Nicoli/Sargent condominium project under construction on the 400 block of East Evelyn:

1. What initial height would you like the screening landscaping between the condominiums and the Washington Ave. properties to be? (circle one)

15 ft 20 ft 25 ft 30 ft 35 ft 40 ft other \_\_\_ No preference --- NO PREFERENCE

2. What height would you like the masonry fence between the condominiums and the Washington Ave. properties to be? (circle one)

8 ft 12 ft 15 ft 20 ft 25 ft 30 ft other \_\_\_ No preference. THIS DEPENDS. MY STRONGEST PREFERENCE IS TO MAKE THE INTERFACE BETWEEN THE AJJOINING PROPERTIES AS PRIVATE, BUT ATTRACTIVE AS POSSIBLE. TO THIS END, AN INDEPENDENT LANDSCAPE ARCHITECT WOULD BE PREFERRED TO SHOW A DESIGN FOR A PRIVACY SCREEN. THIS MIGHT INVOLVE A WALL, BUT WOULD IDEALLY INCLUDE OTHER ATTRACTIVE FEATURES. MY STRONGEST UNDESIREED FEATURE IS A LARGE, UNATTRACTIVE WALL THAT MAKES ME FEEL LIKE I LIVE IN OR NEAR A BUNKER; A TALL UNFINISHED CONCRETE BLOCK WALL IS NOT ACCEPTABLE.

3. Have you benefited financially or gained income due to the development or construction of the Nicoli/Sargent condominium project? (circle one) Yes No YES  
If yes, please explain

MY PROPERTY AT 451 WASHINGTON WAS RENTED FOR TWO MONTHS (MAYBE THREE) AT 500/MONTH.

4. Do you favor or oppose making the 400 block of East Washington Ave. a permit parking block? (circle one)

Favor Oppose Not sure Depends on what happens No preference

WHILE I WOULD NOT OPPOSE PERMIT PARKING, MY PREFERENCE WOULD BE TO ELIMINATE STREET PARKING ALTOGETHER. THE PARKING AT THE END OF THE BLOCK HAS VEHLICES THAT DRIP OIL AND MAKE THE STREET A MESS.

Additional comments regarding the development, the developer and/or the City of Sunnyvale.

Signature STEVE BURKE (PLEASE USE THIS AS ELECTRONIC SIGNATURE)  
Date SEPTEMBER 12, 2004

Washington Avenue Residents SurveyName Scarry, Gary and Jana  
Washington Ave. address 457

If this is not your primary residence, please enter it below.

Address \_\_\_\_\_

City \_\_\_\_\_

Regarding the Nicoli/Sargent condominium project under construction on the 400 block of East Evelyn:

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15 ft 20 ft 25 ft 30 ft 35 ft 40 ft other \_\_\_\_\_ No preference

2. What height would you like the masonry fence between the condominiums and the Washington Ave. properties to be? (circle one)

8 ft 12 ft 15 ft 20 ft 25 ft 30 ft other \_\_\_\_\_ No preference3. Have you benefited financially or gained income due to the development or construction of the Nicoli/Sargent condominium project? (circle one) Yes No  
If yes, please explainN/A (Renters)

4. Do you favor or oppose making the 400 block of East Washington Ave. a permit parking block? (circle one)

Favor Oppose Not sure Depends on what happens No preference

Additional comments regarding the development, the developer and/or the City of Sunnyvale.

Signature [Signature]  
Date 10/13/2004